

REMARKS

Careful examination of the application is sincerely appreciated.

According to the Office Action, claims 1, 2, 8-10 were rejected under 35 U.S.C. §112, second paragraph. In response, to advance the prosecution of the application and without conceding any statements or waiving any arguments in the Office Action, Applicant's claims are amended to more clearly define the invention. It is believed that Applicant's claims now fully comply with 35 USC 112. Withdrawal of the rejections is respectfully requested.

According to the Office Action, claims 1-19 were rejected under 35 U.S.C. §103(a) as being obvious over US Patent 6,373,960 (hereinafter "Conover") in view of US Patent 6,600,828 (hereinafter "Kawamura").

In response, the rejections are respectfully traversed as lacking sufficient factual support and failing to establish a prima facie case of obviousness in accordance with the established cases and statutory law.

It is conceded in the Office Action that Conover fails to teach or suggest, among other things, Applicant's features of "wherein the act of modifying is applied to at least one of the first and second signal samples only if the modified signal sample equals zero" as recited in claim 1.

To cure the above deficiencies in Conover, the examiner relies on Kawamura. It is respectfully submitted that Kawamura fails to supplement Conover to arrive at Applicant's invention as recited in claim 1.

It is respectfully submitted that the Examiner failed to establish a *prima facie* case of obviousness. The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if any one of the above-identified criteria is not met, then the cited references fail to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited references.

As relied upon in the Office Action, Kawamura merely describes a conventional method of embedding watermarks into image signals (col. 1, lines 25-53). More specifically, Kawamura teaches that there is a method for embedding information in the least significant bit of the digital image data. In this method, bits are embedded in digitized image data X (or the spatial-frequency data thereof), and when 1-bit information (0 or 1) is embedded in the image data, the least significant bit (LSB) of the image data is changed according to whether the information to be embedded is 0 or 1.

Applicant's representative questions the relevance of this conventional method with respect to its claimed invention and requests clarification.

In another portion of Kawamura (col. 7, lines 55-64) relied upon in the Office Action, it is stated that “the method for determining mask patterns differs slightly between when image data on which processing is to be performed is obtained as data in a real space and when it is obtained as data in a spatial-frequency space. In the case of the real space, since rewriting of the image data is periodically performed, it is preferable that repetitive periodic patterns become invisible to the eye. It is known that, generally, from the point of view of human vision, very small changes in a portion where changes of the image data changes sharply are difficult to detect. Therefore, watermark information is embedded into a block in which the difference between the maximum value and the minimum value of the image data within the block is greater than a predetermined threshold value p.”

Once again, Applicant’s representative questions the relevance of Kawamura with respect to its claimed invention. First, Kawamura teaches real space calculations, as opposed to spatial calculations in Applicant’s invention. Then, Kawamura merely discloses a comparison between the maximum and minimum values of the image data to a threshold value. It is not clear how it is relevant to Applicant’s act of modifying being applied to at least one of the first and second signal samples only if the modified signal sample equals zero, as recited in claim 1.

If the examiner still believes otherwise and maintains the rejections based on the same references, he is respectfully requested 1) to **specifically point out** – using column/paragraph, line numbers and reference numerals/characters – where such a disclosure can be found in Kawamura; 2) to provide an affidavit stating facts within his personal knowledge; or 3) to

provide a prior art reference stating the same, because the examiner's interpretation of Kawamura can't be supported by the record.

Therefore, the cited references, separately or in combination, fail to render obvious the claimed invention, because at least one of the above-identified criteria is not met. The claimed invention, according to claim 1, is thus distinguishable over the cited references.

At least for the above reasons, Applicant submits that the rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Analysis of independent claims 8 and 9 is analogous to the one of claim 1, as presented hereinabove. To avoid repetition, claims 8 and 9 will not be discussed in detail with the understanding that they are patentable at least for the same reasons as claim 1. Applicant, therefore, respectfully requests withdrawal of the rejection and allowance of claims 8 and 9.

Claims 2-7 and 10-19 depend from independent claims, which have been shown to be allowable over the prior art references. Accordingly, claims 1 2-7 and 10-19 are also allowable by virtue of their dependency, as well as the additional subject matter recited therein. Applicant submits that the reason for the rejection of claims 2-7 and 10-19 has been overcome and respectfully requests withdrawal of the rejection and allowance of the claims.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No.

14-1270.

Respectfully submitted,

January 19, 2007

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